

PATENT
Attorney Docket No.: A-67207/RMS/DCF/AMS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: Hannaher, C.
Walt et al.) Group Art Unit: 2878
Serial No. 08/944,850)
Filed: October 6, 1997)
For: SELF-ENCODED FIBER OPTIC)
SENSOR)

26 / Letter
2/20/01
C. McKinney

CERTIFICATE OF TRANSMISSION (37 CFR 1.8(A))
I hereby certify that this correspondence is being transmitted to (703) 308-
0956 addressed to Box AF, Assistant Commissioner for Patents, Washington,
D.C. 20231, Attn: Examiner Constantine Hannaher, Group Art Unit 2878,
on February 13, 2001.

Alison Bowden
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COMMUNICATION

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Box AF
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This Communication is a request for a new office action for the above referenced patent application. Facts relevant to the prosecution of the case are as follows.

Applicants interviewed with the Examiner on November 2, 2000 at the PTO regarding then pending claims 28-38. Applicants subsequently filed a Second Preliminary Amendment, by hand delivery, on the same date. The Second Preliminary Amendment cancelled all pending claims and added new claims 39-48. A copy of the office-stamped Second Preliminary

Amendment is attached as Exhibit A.

The Examiner mailed an Office Action on November 13, 2000. The Action rejected claims 28-38, the previously cancelled claims, and failed to reference the newly added claims of the November 2, 2000 Second Preliminary Amendment. Applicants now respectfully request a new Office Action that is directed to the pending claims, Claims 39-48.

If there is any further action required, the Applicants respectfully request the Examiner to call the undersigned at (415) 781-1989.

Respectfully submitted,

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Appendix: Pending claims

- -39. An assay method comprising:
 - a) providing a sensor array comprising:
 - i) at least a first subpopulation comprising first sensor elements; and
 - ii) a second subpopulation comprising second sensor elements;
 - b) adding a sample comprising a first target analyte that binds to said first sensor elements;
 - c) measuring first fluorescent signals of at least two of said sensor elements of said first subpopulation; and
 - d) summing said first fluorescent signals.
- 40. A method according to claim 39 further comprising:
 - b) adding a sample comprising a second target analyte that binds to said second sensor elements;
 - c) measuring second fluorescent signals of at least two of said sensor elements of said second subpopulation; and
 - d) summing said second fluorescent signals.
- 41. A method according to claim 39 wherein said elements comprise beads.
- 42. A method according to claim 39 wherein said sensor array comprises beads distributed in wells.
- 43. A method according to claim 39 wherein said sensor elements comprise chemical functional groups.
- 44. A method according to claim 39 wherein said sensor elements comprise oligonucleotides.
- 45. A method according to claim 39 wherein said first target analyte is an oligonucleotide.
- 46. A method according to claim 39 wherein prior to said summing, the baseline of said first fluorescent signals are adjusted.
- 47. A method according to claim 39 wherein the signal-to-noise ratio is increased as a result of said summing.
- 48. A method according to claim 39 wherein said sensor array comprises a fiber optic bundle.- -